

THE GEORGE WASHINGTON UNIVERSITY
Washington, D.C.

**MINUTES OF THE REGULAR MEETING
OF THE FACULTY SENATE HELD ON
SEPTEMBER 13, 2002, IN THE ALUMNI HOUSE**

President Trachtenberg called the meeting to order at 2:15 p.m.

Present: President Trachtenberg, Vice President Lehman, Registrar Geyer, Parliamentarian Pagel; Deans Frawley, Futrell, Phillips, Southby, Tong, and Young; Professors Balla, Briscoe, Castleberry, Cawley, Divita, Duff, Friedenthal, Gallo, Glascock, Griffith, Haque, Harrington, Kennedy, Klarén, Maggs, Robinson, Sell, Simon, West, Wilmarth, Wirtz, and Zaghloul

Absent: Deans Harding, Whitaker, and Williams; Professors Cordes, Gupta, Paratore and Pelzman

APPROVAL OF THE MINUTES

The minutes of the May 10, 2002, meeting were approved as distributed.

CHANGE IN THE ORDER OF THE AGENDA

Professor Robinson moved that the order of the Senate's agenda be changed so that the Report on the GW Law School by Dean Michael K. Young could be considered as the next item of business. The motion was seconded, and passed.

Dean Young thanked the Senate for the opportunity to review developments at the Law School for the last several years. He began by saying that the heart of the Law School has always been the student body, which has always been strong, and seems to be getting stronger. In 1998, a little over 6,000 applications were received, compared to 8,500 applications in 2001. This means that, essentially, one in every nine people who applied to a law school in the U.S. applied to GW. This year, applications totaled 10,800, yet another 20% increase, or one eight people who applied to a law school in the U.S. This large volume of applications has allowed the Law School to do several things, including establishing a relatively aggressive merit scholarship program, which was started at the suggestion of the President. The Law School also has, in each of the last two years, been able to raise the mean LSAT score by about 2-2¼ %, for a total of nearly 5% over two years, which is remarkable for a school as large as the Law School, because something like sixty to seventy students must raise their scores for each one point rise in the mean total. The School has also been able to do this, he added, without losing any of the diversity for which it has been noticed. In fact, last year, in a U.S. News and World Report ranking on diversity in law schools GW was in the top 15 of the most ethnically diverse law schools in the country, ranking the second most diverse in terms of African American students. Diversity has also surfaced in other ways, as the School attracted eleven Ph.D.'s, and more than 60 Master's Degree holders in the class entering this year.

Student backgrounds are also diverse in that the class has a student who was second in command of a nuclear submarine, a former cancer researcher, a jazz pianist, and a bouncer at the Lizard Lounge.

Dean Young continued by saying that, in terms of the second most important thing in a law school, which is the faculty, he has been pleased with faculty development over the last four to five years, much of which has just continued to build on the foundation laid by former Dean Jack Friedenthal. Dean Friedenthal had in the past seven or eight years hired a diverse faculty from very good universities, including the University of Texas, Columbia, Virginia, Tulane, and Boston University. Although nearly five have left, on balance, entry level hiring has been very, very good, and the balance of faculty retained is favorable for the School. One professor who left just recently, Tom Buerghenthal resigned to become a justice on the International Court of Justice. That is certainly a great honor, not only for him individually, but it reflects well on the Law School. One method of ranking the top fifty young professors in terms of the number of times their work is cited by other scholars lists Professor Jeff Rosen as fifth, and Professor Paul Butler and Raj Bhala also rank in the top 50. Professor Orin Kerr, newly hired by the Law School, was the subject of a feature in the New York Times last week. He has established a reputation as a spokesperson on technological aspects of the Patriot Act and other kinds of privacy issues relating to high technology. Dean Young also said that four former Deans serve on the School's faculty.

In terms of scholarship, the faculty continues to be extremely productive and has responded to the School's increased emphasis in this area. Dean Young wryly observed that he had stopped bringing all of the scholarly articles and books he receives to law faculty meetings because there are simply too many to transport. Something like three weeks before the Enron scandal erupted, he added, one of our law professors published a book called "Corporate Irresponsibility" that has become a best seller. The Law School also hosts eight or nine major conferences every year, the results of which are published either in our Law Review or in other Law Reviews.

Among large-scale programs in operation at the Law School is the Institute for International Corporate Responsibility, funded largely by the Sloan and Ford Foundations. Under the direction of Professor Larry Mitchell, the Institute trains professors teaching Corporate Law about that body of law's relationship to other laws, and social responsibility intervention. This has become an interesting focal point for discussion about corporate activities, he added, in an environment where responsibility suddenly seems to be missing, and should perhaps be imposed either legally, or in some other way.

The Law School also houses a Center for Sustainability and Regional Growth, which has served the local community by hosting a number of conferences that involve religious leaders, business leaders, academic leaders and politicians from the tri-regional area. Discussions have focused on talking about how one coordinates growth across different kinds of jurisdictional lines in ways that are both economically vibrant and environmentally sustainable. The Law School has also hosted conferences and symposia on international topics, and faculty have been asked to serve on training missions abroad. Recently the director

of this program was in South Africa for the next iteration of the UN Conference on Environment and Development.

Clinical programs at the Law School have expanded to include a very interesting Domestic Violence clinic with a litigation component, and an advisory component where students work with medical professionals at the moment somebody is brought into the emergency room as a victim of domestic violence. There is also a Health Care/Insurance Clinic, as well as a Vaccine Clinic, which essentially represents people – mostly children - who have been injured by vaccines. A fund has been set up and there is a litigation component where GW students are able to participate, usually on behalf of people who are underrepresented. And just last week, he added, the largest verdict that's ever been given in one of those cases was handed down. The Trial Advocacy Program has also been expanded considerably and an advanced degree in Dispute Resolution is now being offered, in which about 20-25 students enrolls every year. A number of federal judges come to campus to teach in this program along with GW faculty. While students in this program study the theoretical aspects of Dispute Resolution, the program is also very experiential and participatory. Students have the opportunity to actually conduct a trial in front of a jury and a federal judge by the time they are done with this program.

The Law School has also been able to expand some of its academic activities by creating a fund that is available for clinical professors to take professional development leaves. These are vaguely equivalent to sabbaticals, but the understanding is that faculty need to produce something that puts into the public domain an article that reflects on their experience. With respect to clinical education, this is particularly useful. The Intellectual Property and Government Contracting have also shown significant growth. Finally, in the last year or two, the Pew Charitable Trust has developed a program to look at the role of religion in American life. They have set up two to three roundtables, which allow students to do serious research and think and reflect on this topic. Two of our Professors, Chip Lupu, and Bob Tuttle, have been asked to chair the roundtable on the role of law and religion and they already have produced two conferences and about four major articles dealing with school voucher systems and charitable choice. This has been a terrific program, and one that in fundamental ways has served to assist in redefining the debate in that area.

The overall curriculum in the Law School remains vibrant, he continued. The School will offer between 400-460 classes this year and most registration will be web-based.

Clinical offerings have been expanded from nine to twelve. Dean Young said that he suspected that GW is the only major Law School in the country that can say that it can ensure a clinical spot for every student who wants one. The Law School's Bar passage rate is a success, and GW's ranking is ahead of such schools as Columbia, Stanford, New York University, and Yale. Post-graduation job placement continues to be strong and increasing; as of 2001, over 90% of GW graduates were placed at graduation, with nearly 98% placed one year after graduation. Where the average starting salary in 1998 was \$67,000, it is now \$97,000.

Dean Young also said that the School has made some inroads in its physical facilities deficit, moving from a net of 72 square feet per student to 125 presently. In conclusion, Dean Young said his sense was that the health of the Law School is strong; impoverished, but strong. The students continue to be strong and the faculty is terrific and the School seems to be able to meld teaching and scholarship smoothly. Student evaluations of faculty continue to improve, on a 1 to 5 scale, from 3.3 twenty years ago, to 4.3 in the spring semester, 2002. This evaluation shows that faculty are extraordinarily committed to the teaching process, which the Dean said he thought was outstanding. Dean Young then invited questions.

Professor Griffith asked Dean Young how much interaction and/or serious cooperative work the Law School has or tries to encourage with other Schools at the University. Dean Young confirmed the Law School is engaged in several joint degree programs, for example J.D./M.B.A., a joint Masters Degree with the Elliott school, and a joint J.D./Public Health degree, which is the fastest growing of all the joint programs. The establishment of joint programs is not easy, he said, and as the Law School faculty is ranked in the top five in International Law, he and the Elliott School Dean are constantly seeking ways to have the two Schools work cooperatively.

Professor Griffith then asked what Dean Young saw as the greatest problem the Law School faces, and Dean Young confirmed that physical facilities still need improvement as it is important to create a physical environment where students are thrown together frequently, and where they can collaborate in working together on outlines, law review articles, conferences, physical activities, moot court briefs, and so forth. While the present Law Librarian, Professor Pagel, has done an outstanding job with the existing Law Library, further improvement of that facility would be welcome. Attracting and retaining the best faculty will always be the biggest challenge for any Law School of GW's caliber, and the School's ability to increase the number of endowed Chairs is very important for both attraction and retention purposes. Finally, it would be desirable for the School to expand considerably the discretionary research funds available, particularly if funds could be secured to launch ventures before funding is sought from outside sources

INTRODUCTION OF RESOLUTIONS

Professor Robinson moved to suspend the Senate's rules so that Resolution 02/2 could be considered, and the motion was seconded. A vote was taken and the motion passed unanimously.

Professor Robinson began by saying that the reason the Resolution had been introduced at this meeting was because the Executive Committee did not have the information contained in it before the previous week and there was, therefore, no time to put it on the agenda in advance. She then read a prepared statement, giving the Senate background on the Resolution, as follows:

In June the Executive Committee, concerned about campus rumors regarding significant changes in the governance structure, requested a meeting with President Trachtenberg. Accordingly, we met with the President and he told us that they were in fact rumors, and no actions had been taken or were being taken. He also assured us that in the event that changes such as the rumored restructuring of the administration, especially the positions of concern to faculty, were to be considered, he would be in contact with the Executive Committee.

Last week, at his request, the Executive Committee met with the President for a lengthy and informative discussion. President Trachtenberg informed us of proposed organization changes. While some of the restructuring pertains to non-academic administrative offices, there are significant changes to the academic structure. It is those changes which are the focus of the Resolution. We have been discussing them with colleagues on the Senate and throughout the University, at the request of President Trachtenberg.

The plan presented only orally to us provides for a new position, that of Provost. The Provost would report directly to the President. He would stand in for the President in the event that the latter was incapacitated or had other commitments. Most significantly, based on the information received from the President, we understand that the Provost would also have academic control over three Schools, Law, Medicine, and Public Health and Health Services. Please note that the President has argued in a memorandum I received today that this conclusion is incorrect and that only one School, the Law School, would actually be affected. That this change affects three Schools was our conclusion, based on the fact that the President had identified his choice for Provost. Since the Vice President for Health Affairs would be the same person as the Provost, we were quite naturally led to the conclusion that functionally, the Provost would have responsibility for the Medical School and the School of Public Health and Health Services, as well as the Law School.

The term of appointment for this position was not specified. Our understanding was that although it would begin as an interim appointment it might well evolve into a long term position. Moreover, and most alarming to the faculty, a position search (local and national) required of all academic leadership positions, was not considered necessary. This is of great concern to the Executive Committee because local and national searches have been considered essential for academic positions at George Washington and major Research One universities.

While we, as faculty, appreciate the necessity of an ongoing process of evaluation of the effectiveness of all aspects of the academic

and administrative structures and their improvement, we have serious reservations regarding the proposed changes. In particular we are concerned with the following:

1. The position of Provost was described as essentially an administrative one which would provide for a designee to act on behalf of the University in the absence of the President. Yet, the position carries with it critical academic responsibility for three Schools.
2. The outcome would be that three Schools will be reporting directly to the Provost and all others to the Vice President for Academic Affairs. This functionally separates the academic units and thus the faculty. For many years one of the frequently expressed concerns has been that the academic function was fragmented and that Schools and Departments were working in isolation and in competition with one another. With the arrival of President Trachtenberg and through the work of the Vice President for Academic Affairs, the Deans, and faculty, we have recognized this problem and worked to correct that fragmentation which has weakened us in the past. We have spent the last year, at enormous cost in effort and time, candidly examining our academic function in terms of our teaching and research mission. With respect to the latter, we have focused on the goal of becoming a Research One university. The end result has been the creation of the Strategic Plan for Academic Excellence. The Board of Trustees has enthusiastically received this Plan, and it has had strong endorsement throughout the University. The expectation has been that this year we would be embarking on its implementation. That can be achieved only through the cooperative efforts of all the Schools, working under a single leadership.

For these reasons we urge that no action be taken without further study by a combined group of administration and faculty.

President Trachtenberg then invited discussion on the Resolution. Professor Cawley said that there was significant concern in the School of Public Health and Health Services with regard to this proposed change, and that there was strong support for the Resolution in the School. Chief among the reasons for this support, he added, was concern that the accrediting agency for the School – the Council for Education on Public Health, had already cited the school and expressed concern with regard to its academic governance. The proposed organizational change, he said, would only compound that difficulty, and jeopardize the School's accreditation status.

President Trachtenberg responded that he was not intimidated by these kinds of external third-party collateral attacks, and that it had always seemed to him that accrediting agencies are self-serving and have agendas that may or may not be in the best interests of universities. Further, he said he thought that institutions should be more inner-directed, and that while it is necessary to be professionally attentive to observations from accrediting agencies, it was possible to become too concerned about them as well. He added that he did not think the proposed organizational change was as yet fully formed enough to be of concern to any accrediting entity at this stage.

Speaking to the Resolution, President Trachtenberg said it seemed to him that the subject of the Resolution was more of a tempest in a teapot than any of the other interesting discussions he had had with the Senate over the years, and he anticipated it ought to be relatively simple to deal with. The notion of creating a Provost, he said, had come from some urging on the part of the Board of Trustees, who had just extended his tenure as President for another five years. The University hopes to conclude the Capital Campaign it is presently engaged in by the end of the calendar year, as it is just \$5 or \$6 million away from the campaign goal of \$500 million. At the conclusion of this campaign, he said, the University would begin on what he termed the "quiet phase" of its next Capital Campaign, and this would require a lot of travel on his part, and possibly more extended absences from the campus. In the past, he said, he had designated someone to act as a surrogate in his absence. Often, this was the present Vice President for Academic Affairs, but if he were absent, the President had designated someone else. The Board had expressed a preference for a more permanent arrangement, he added, and they and he had come upon the idea of designating a Provost.

One of the things the University wishes to accomplish in the next five years, he continued, is a more vigorous advancement of the academic side of the agenda. An immense amount of his own time and the institution's energies have, in the past 15 years been put into bricks and mortar, and he added that he now believes, and thinks all of the Vice Presidents and the deans now agree that the University is now on the brink of making the push that will carry the institution forward academically more robustly than at any time in the past. He then noted that the past year had been spent in formulating the Strategic Plan for Academic Excellence, and that along with the implementation of this Plan, the Elliott School relocation, and the expansion of the Law School into the space formerly occupied by the Elliott School, the University was poised to undertake an array of initiatives.

In the meantime, he continued, the University has a very capable Vice President whose portfolio has been evolving over the past several years. The Vice President for Health Affairs at one time was responsible for the GW Hospital, the Medical Faculty Associates, and the GW Health Plan. All three of these major functions have now been either sold or in some way been alienated from the University. The result has been that the Vice President for Health Affairs is now responsible only for oversight over the School of Medicine and the School of Public Health and Health Services. It seemed to him therefore, that given the fact that Dr. Williams is a uniquely talented and very capable individual, the University should make every effort to retain him and to enhance the scope of his responsibilities by naming him Provost and Vice President for Health Affairs.

Turning to the Resolution's citation of three schools' involvement in this organizational change, President Trachtenberg asserted that in fact, only one school is involved, and that is oversight over the Law School. Presently the School of Medicine and the School of Public Health and Health Services both report the Vice President for Health Affairs. Dr. Williams will continue his responsibilities as Vice President, and thus the reporting relationships of these two schools will not change, only the Law School's will.

President Trachtenberg went on to say that he believed, after reading the Faculty Code, that had he merely created an office with the title of Provost, and if the function of that job had been to act in place of the President in his absence or incapacity, it would have been appropriate for him to have met with the Senate to discuss this development out of courtesy, but such consultation would not be required by the Code. Moreover, as he understood it, if he had simply placed oversight of two Vice Presidents: Communications and Government Relations, under the Office of Provost, again, he thought that he would have had a courtesy obligation to inform the Senate but not an obligation beyond that. That aside, he said, he had invited the Executive Committee's counsel on relocation of oversight of the Law School from the Vice President for Academic Affairs to the newly-created Office of Provost. He added that had also asked the Senate Executive Committee to consult their constituents at large about their opinion on this new arrangement, but that he was prepared to consider the consent of the Law School dispositive. Should the Law School decline the organizational change, he said he would then simply create an Office of Provost which would have purely administrative, as opposed to academic, responsibility – that is, it would have oversight over two administrative Vice Presidents.

By way of background, President Trachtenberg said that GW had gone its own way in its appointment of Provosts over the years, without worrying overmuch about external models. When he came to the University in 1988, he said, Bill Johnson occupied the position of Provost. He had been appointed Associate Provost in August of 1982, and was appointed Provost from July, 1984 until June, 1989. His actual responsibilities under this title were largely those of University Budget Officer, and he did not have the full array of responsibilities frequently found in Provost portfolios elsewhere.

Provost Johnson, he added, had been preceded by Harold Bright, who had held the title of Provost and Vice President (for Academic Affairs) from 1966 to 1984. Thus, he said,

GW has had a model in which there was an exclusively administrative provost, who had no deans reporting to him and another who had both administrative and academic responsibility. Thus, he said, GW could structure its Provost Office in any way it wants. He said he believed the issue before the Senate is not whether or not the President can create somebody in the President's Office reporting to him who is called Provost, and not whether or not the Vice Presidents for Communications and Government Relations can report to that Provost. What he would value from the Senate, he said, would be its thinking on the possibility that the Law School would report to the Provost, or whether even in the face of contrary Law School sentiment and Presidential sentiment, the Law School should continue to report to the Vice President for Academic Affairs.

Turning to provisions of the Faculty Code, the President said that while he was certainly not the authority on the Code, it seemed to him that the Code contains language that talks about the faculty's role in University decision making, particularly in the appointment and promotions of faculty members, and the appointment of the President, Deans, Department Chairs, and other administrative officials with authority over academic matters. That would seem, he said, to argue for the Senate having a point of view on the subject of the Law School. On the other hand he said, in later language, the Code says the Senate has an opportunity to make recommendations on proposals but doesn't necessarily have dispositive authority on administrative matters having to do with a specific school. Then, he said, turning to page 23 of the Code, there is a provision that the faculty of a school or other organizational unit shall be consulted for its recommendations regarding the appointment of administrative officers whose concern with academic matters is limited to that unit or group of units. That language suggested to him, he said, that if the Law School were consulted and had a point of view on whom it should report to, then that would determine the outcome. Finally, he concluded, the Code also provides that the Executive Committee of the Faculty Senate shall be consulted regarding the appointment of administrative officers whose concern with academic matters comprehends all, or substantially all, of the University. Since the contemplated position of Provost would not deal with academic matters comprehending all, or substantially all, of the University, he said he thought that the Senate arguably had no formal jurisdiction in this matter. Following these observations, President Trachtenberg then invited the Senate to consult with him further, and solicited their continuing advice which would help to inform his action.

Professor Friedenthal informed the Senate that Dean Young, and the Law School faculty had discussed this matter at a regular faculty meeting recently, and that he did not think the Law School would oppose this change, but would view it as a positive development. While the Law School was not unhappy with present reporting arrangements, he added, this new arrangement would allow the School to answer to a person in charge of a somewhat separate professional organization. He also said he somewhat disagreed with the President's remarks about accreditation concerns, as these were of serious import to the Law School. It is not unimportant, he said, that this new arrangement involves a specific individual, not some unknown person, and there is a good chance that some of the tensions under the present reporting structure can be eliminated. Professor Friedenthal then said that he did not think the change in the reporting relationship would change very much at

all. The notion of interplay between schools or among schools, he said, is not going to change, except for the better. That has to come, he added, internally, and out of the desire of the Deans and the faculty to work together. The Law School has been under a structure for many years, and if it is deficient, he said, it is deficient because there hasn't been the situation that has urged more collaborative work. So this change would not make things any worse in that regard. In fact as the group under the new reporting scheme is comprised of professional schools, there is likely to be more collaboration, not less.

Also of importance, he said, was understanding the American Bar Association and its requirements, and U.S. News and World Report, whose rankings have a dramatic effect on the School and its ability to maintain its own progress towards excellence and its ability to assist the rest of the University. The School's financial base is fragile, he said. The School is tied for 25th place with 5 other schools, and if the School drops from that ranking down into the second tier, it will have problems. The School urgently needs full and complete professional understanding, and wishes to give this new arrangement a try.

Finally, speaking from his own point of view, Professor Friedenthal said that at some point down the line before this arrangement becomes permanent, it would probably be a good idea to have a search, and he said he could see, as a faculty member discomfiture at the lack of a search. He said that if a resolution were to come before the Senate providing that in the space of three years, the Senate should vote on the arrangement, or have a search, he would support that Resolution, personally. As matters stand now, he concluded, the situation is not very dramatic, as the proposed change only switches oversight of the Law School, and the President has presented the reasons justifying the arrangement.

President Trachtenberg then pointed out that the Vice President for Academic Affairs would continue as the principal academic officer of the University, and that all schools presently reporting to him, except for the Law School, would continue to do so. The Academic Vice President would also be designated Executive Vice President for Academic Affairs, and the George Gamow Professor of Physics, a chair created in honor of one of the two, perhaps the most distinguished professor of Physics who ever taught at GW. The President said that he mentioned this because he wanted to be crystal clear in his regard for and professional engagement with Vice President Lehman, as the discussion had turned to a discussion of specific individuals rather than abstract positions.

The appointment of a Provost, he continued, would be on an interim basis. His own judgment about a national search to fill a job as narrowly defined as this position would be something of a charade as it would attract no candidates. If it did, he said, he surely would not get somebody he would feel confident in to serve as his spokesperson.

Professor Wirtz then spoke in support of the Resolution. He said he had nothing but respect for Professor Friedenthal, as he is a wonderful instructor, and had been an excellent dean. In addition, the President and Dean Young had made compelling cases. However, he said, for the President to characterize this situation as a "tempest in a teapot" really does an injustice to the level of concern that his colleagues in the Business School have expressed. This concern has been unanimous among his colleagues, and speaks to the

Senate about just how important this issue is for the School in several different ways. This is more important than even the Compliance Line issue, which he said is important in its own right.

With regard to the issue of a single school being affected, Professor Wirtz said that it was his understanding that presently the Vice President for Health Affairs coordinates most, if not all, of the *academic* decisions concerning the School of Medicine and School of Public Health and Health Services through the Vice President for Academic Affairs. It is not clear whether or not, under the proposed new arrangement, this would continue to be the case, and he asked the President for a clarification on this point.

President Trachtenberg responded that the Interim Provost would continue as the Vice President for Health Affairs, and the two Schools would continue to report to him in his capacity as Vice President – he would continue to address their needs and they would continue to function as they have before. Professor Wirtz then said he was uncertain to whom the two schools would report with regard to academic decisions, and the President responded that these schools presently report to the Vice President for Health Affairs. Professor Wirtz then said that it was his understanding that, with regard to academic decisions, these two schools report to the Vice President for Academic Affairs, and the President said that this would continue as before. Professor Wirtz asked if these two schools would still report to the Vice President for Academic Affairs once the position of Provost was created. The President confirmed that two Vice Presidents and the Law School would report to the new Provost, and that the Medical School and the School of Public Health and Health Services would continue to report, as they now do, to the Vice President for Health Affairs. Of course, he said, one person would happen to hold both hats – that of Provost and Vice President for Health Affairs. Professor Wirtz then asked with regard to academic issues involving the Medical School (and the School of Public Health and Health Services,) if those would continue to be handled through the Vice President for Academic Affairs. The President confirmed that these issues would continue to be handled in the future as they had in the past. Professor Wirtz then thanked the President for this clarification.

Professor Wirtz noted that the proposal to shift a single academic unit (the Law School) to an administrative officer other than the Vice President for Academic Affairs had been presented to the Business School faculty, and that his colleagues expressed vehement and unanimous opposition to this proposal. It makes no sense from an academician's perspective, he said, to split the academic side of the house into several different pieces. That would mean that there is no longer a single chief academic officer. The University would pay the price in many ways, not the least of which will be the effect on the Strategic Plan implementation, now actively in process, which would be decimated under multiple people. It would mean the loss of a single point of contact with regard to academic decisions. He added that opposition to the proposal has nothing to do with particular people or particular personalities, but everything to do with the long term academic future. Nobody he talked to thought that the proposed plan would be in the best interest of the academic future of the University.

Professor Griffith said that he thought the Senate would certainly concede that if the proposed administrative changes solely concerned the assignment of responsibility for two administrative vice presidents to the Vice President for Health Affairs, that this was not a matter of concern to the Senate. However, he said he thought that he had been the Senate Executive Committee Chair when the former President, Lloyd Elliott, appointed Bill Johnson Provost. The clear understanding at that time was that the Provost would not be responsible for academic matters, and that the Vice President for Academic Affairs, Rod French, would have unified control over the academic enterprise. It seemed to him, he said, that the way in which this position is being structured – as outlined in the President's response to Professor Wirtz – that the School of Medicine and the School of Public Health and Health Services would still report to the Vice President for Academic Affairs through Dr. Williams in his capacity as Vice President for Health Affairs, then it seems that the position resembles something on the order of a Provost and Associate Vice President for Academic Affairs. Under this arrangement, Academic Affairs would remain unified presumably. However, if the new Provost has final authority over three schools (Law, Medicine, & Public Health) of the University and the remainder of the Schools continue to report to the Vice President for Academic Affairs, he said it seems hard to avoid the conclusion that the office has been split and now has two functional heads. Finally, Prof. Griffith said that while the President had discussed the desirability of expanding the Vice President for Health Affairs' area of responsibility, he had not said what drives the conclusion that the Law School should have a different reporting responsibility than it currently has.

The President asked Professor Griffith to what extent he believed the portfolio was split now. Professor Griffith responded that it was his understanding that there is a sort of uneasy tension between the authority of the Vice President for Academic Affairs and the Vice President for Health Affairs, with respect to academic matters. As he recalled, one of the symbols of that relationship is that the Vice President for Academic Affairs signs all the letters of appointment to the faculty of the Medical School, and that in some sense, if there are disciplinary problems in the Medical Center with respect to faculty, the Vice President for Academic Affairs is also a party in these. The Vice President for Academic Affairs also presumably, has responsibility for student discipline in the Medical Center. So, he said, while it is perfectly clear that the Vice President for Health Affairs has considerable autonomy with respect to oversight of these functions, it had always been his understanding that the final authority with respect to academic affairs in the schools currently reporting to the Vice President for Health Affairs rests with the Vice President for Academic Affairs and the President. President Trachtenberg said that the authority outlined above was technically correct, but in practice, the Vice President for Academic Affairs, even though he has authority over the Medical Center activities, generally accedes to the recommendations of the Vice President for Health Affairs. He agreed with Professor Griffith that if the proposal were merely to create a Provost with two administrative vice presidents reporting to him then the matter would not concern the Senate. It was oversight of the Law School he said, that is the issue, and the one that he asked the Executive Committee to consult with him on. He said that he had asked the Executive Committee to consult only on this issue with the understanding that if the Law School were opposed to the arrangement, then the plan to assign oversight of that School to the Provost would go no further. While he said he

recognized some of the concerns articulated by Professor Wirtz he thought that in the long run the new arrangement would not create problems, but prove an advantage in the administration of the University, as he thought Dr. Williams has an ongoing contribution to make. He also said that some of the organizational change was personality driven, in that he personally wished to retain Dr. Williams and that he was fearful that, absent some additional responsibility, he would succumb to blandishments that are regularly offered him from other universities.

Professor Griffith then asked what the advantage would be to the University, leaving aside the question of retention of a valued employee, and whether or not this would, for example, lead to better fundraising for professional schools. The President responded by saying that he hoped for a more elegant administration, i.e., one that would encourage the Law School to work more cooperatively and collegially with the other schools. In crafting this minimalist proposal he said, he was responding to three primary stakeholders – the Board of Trustees, the Senate, and his interest in retaining a management team that has been carefully constructed over the years. The President then proceeded to review Dr. Williams' accomplishments in connection with the construction of the new GW Hospital and the preservation of the Medical School. While Vice President Katz and Dr. Weingold and many others also deserved praise for their efforts in this regard, Dr. Williams had proved instrumental in the process. At a time when the Vice President for Academic Affairs was being asked to take on more responsibility and the portfolio of the Vice President for Health Affairs is shrinking, it seemed logical to him that it would be possible to put a Vice President into cooperative motion with the Law School, with conceivable advantage to the entire University.

Professor Kennedy asked why the President could not simply appoint a Provost with administrative responsibility, and leave the Vice President for Academic Affairs with academic oversight over all of the Schools, as the arrangement is presently. The President confirmed that this might well ultimately be the arrangement and that the Vice President for Academic Affairs would continue to report to the President and have oversight of all schools except the Law School.

Henry R. Luce Professor Bernard Wood was then recognized and he began by saying that he thought if anyone could sell an ice machine to Eskimos, it would be President Trachtenberg. He said that he was having difficulty reconciling the proposition that the President wished to retain a valued employee by giving him additional significant responsibility, and upon examination, there are no new significant responsibilities other than oversight over the Law School.

Professor Wood then articulated a concern that he said he thought was shared by many, and that is what might happen at the end of the President's renewed contract, and if this appointment of Dr. Williams as Provost was actually the beginning of an effort to move Dr. Williams into the University presidency in the future. This could start with the appointment of an Interim Provost and then the envelope could be gradually pushed further and further until the proverbial camel's nose was in the tent.

President Trachtenberg said that he could not speak to what might happen after he vacated the President's Office, but that, to the best of his knowledge, there was no such conspiracy to ease Dr. Williams into the President's position without proper consultation. The Board of Trustees, he said, understands quite clearly what procedures are appropriate in the selection of a new University President, and the fact that this would require a national search in which all stakeholders would participate. The Trustees understand quite well, he said, that the GW Presidency is a very desirable position, and one which will attract remarkable candidates and generate a robust competition. Moreover, it would be unfair to delegitimize an inside candidate by failing to have a national search. Candidates would not be forthcoming, he added, if it were perceived that the outcome of a search were predetermined. Given that, he said he thought it reasonable to ask why the position of Provost should not be filled by a national search. The answer, he said, was that he was balancing water on both shoulders by creating a position of Provost on the one hand, and limiting its jurisdiction and authority on the other. Standing alone as proposed, he said, there is no full-time job there. Only together with Vice Presidential responsibilities is there a sufficiency of professional activity. This arrangement would afford the potential incumbent a variety of professional opportunities and experience that would not otherwise be available to him. It would avoid an awkward arrangement whereby the Vice Presidents for Communications and Government Relations report to the Vice President for Health Affairs. It would allow this person to grow professionally, and allow the University to benefit from Dr. Williams's talents which could be employed more broadly. The arrangement would satisfy the Board's desire for a Provost to act in place of the President when necessary, and also retains a chief academic officer (the Vice President for Academic Affairs) who is experienced in working with the deans and schools.

Professor Gallo asked if the new arrangement would mean that the Medical School would lose its Executive Dean. President Trachtenberg said this remained to be determined. For example, if after a year as Interim Provost, Dr. Williams would then become the permanent Provost, a determination would have to be made at that time as to whether or not Dr. Williams would continue to retain the position of Executive Dean. Dr. Williams would retain all responsibilities he presently has, and in something like 12 to 18 months, the arrangement would be re-examined.

Professor Simon said he shared the president's disdain for accrediting agencies, but that one defies them at one's own peril. Georgetown University's medical residency program was placed on probation; Yale had their surgical program cancelled. So, the problem that the School of Public and Health Services may face could be significant. Secondly, Professor Simon said that he thought that words mean something, and the primary definition, as well as the common understanding, of the term "Provost" was that of chief academic officer. While other, less common usage defines the term as "keeper of a prison" or "any academic officer," the new position should not be given a misleading name.

Professor Simon continued by saying that, in an effort to find out how the basic science faculty, clinical faculty, and faculty in School of Public and Health Services felt about the restructuring, he had e-mailed the Medical Faculty Senate and enclosed a copy of

Resolution 02/2, soliciting their views. He said that rarely have the faculty been so united as they were in their opposition to the restructuring, and their support for the Resolution. He added that most of the arguments opposing the new arrangement were quite similar. Three issues were articulated by these faculty representatives (1) there should be a national search to fill the position of Provost; (2) a division of academic oversight would not benefit the University, and (3) faculty were not happy with the idea that the Dean who reports to the Vice President who would report to the Provost is the same person. The sentiment of the Medical Faculty Senate was consistent, and that sentiment comes from a School which already has experienced academic fragmentation, in that the Ph.D. programs report to Columbian College and the M.D. programs report to the Vice President for Health Affairs, and so forth.

Professor Griffith then briefed the Senate on a bit of the history of the position of Provost at GW. In 1966 when President Elliott appointed the then Vice President and Dean of Faculties Harold Bright as Provost, he did so in part because campus demonstrations were beginning to form in his absence from campus, and it was unclear who had the authority to close down the campus. At that point he named Dr. Bright Provost in order to make it clear that he was second in command in the President's absence. If the University were seeking to establish an Office of Vice President for Academic Affairs and Provost as a unified office, Professor Griffith said he felt this would not be a problem, as it was not when Dr. Bright had Provost responsibilities added. It is the peculiarly fractured character of the proposed restructuring which is disturbing most people, he added, and he said he thought it would perhaps lead to questions about the distribution of authority on campus. The President said he thought this point reasonable and worth noting, but that he thought that, presumably, prophylactic activity could prevent problems.

Professor Robinson said that her consultations with Columbian College revealed this faculty is very opposed to the proposed change. Professor Sell asked if there were any budgetary implications involved in this restructuring. The President said that there were not, that budgets would follow the dean, and the Provost and Dean would deal with it. Professor Robinson asked if this arrangement would not then result in two people discussing the budget, each of whom was asking for a share for his group. The President confirmed that this would be the case. Professor Robinson then observed that in the past the University has had one Vice President for Academic Affairs who advocates for the entire academic side, and that there would now be two advocates, so advocacy for academic programs would be divided. The President then said he thought the restructuring would be transparent, and would probably not have any financial implications.

Professor Glascock observed that the restructuring as proposed might very well pose a conflict of interest, and that the arrangement might result in what the Business School terms "logrolling." Professor Cawley said he thought that if the restructuring came to pass, and the School of Public and Health Services lost its accreditation, this could conceivably jeopardize its eligibility for the receipt of grants, particularly with regard to bio-terrorism. The President reassured Professor Cawley by saying that it was highly improbable that the School of Public Health and Health Services would lose its accreditation.

Professor Kennedy asked if the Provost would have any jurisdiction over the School of Public Health and Health Services. The President responded that he would not; the Vice President for Academic Affairs currently reports to the President and this arrangement would continue in all ways as it had up to that moment. Professor Kennedy then asked why the Provost would have that title, and the President responded that that was the term that had been decided upon.

Professor Wood said he thought that the proposed restructuring could pose a potential problem because there are no checks and balances on a line of command where the same person answers or reports to himself on three different levels. This would be extremely difficult to defend, he added.

The President agreed that defending something as softly crafted as this would be very hard, but that at the present time, the Dean of the Medical School reports to himself as Vice President for Health Affairs, and that would not change and to the extent there is an overlap with the Vice President for Academic Affairs, that would continue as it has before. The organization chart he has in mind, he said, is one in which there is a Vice President for Health Affairs who reports, along with the Vice President and Treasurer and the Vice President for Academic Affairs to the President. Reporting to the Provost are the Vice Presidents for Communications, and Government Relations, and the Dean of the Law School. While the name, as opposed to the titles in each box, would be the same for a period of a year, the arrangement would be subject to re-evaluation if it proved untenable.

Professor Griffith said that he thought that limiting the designation of a Provost to only an interim basis was a step in the right direction and reaffirmed the faculty's willingness to work with the administration to try to arrive at a proposal that faculty will support. If the restructuring does become embedded in the University's structure, Professor Griffith observed that significant rewriting of the governing documents (Faculty Code and Faculty Organization Plan) would have to be undertaken as these are written now with the assumption that there is a single Vice President over the faculty, by and large, in most matters. Professor Robinson then called the question.

Before the vote was taken, the President said he wanted to be clear on what might happen if the Resolution were adopted. What he was asking the Senate's counsel on, he said, is the question of oversight over the Law School. The other issues are entirely administrative, and fall outside of the jurisdiction of the Senate. He added that he also wanted to make clear that there is no issue of personality in this matter, and that further, if the Law School decides they want to oppose the Senate if it should adopt the Resolution, then that disagreement would be between the Senate and the Law School, and would not involve him. This matter might turn out to be an interesting "state's rights" issue, he added.

Professor Wirtz asked one final question, which was where academic decisions involving the Law School such as faculty appointments, tenure review, and so on, would reside under the proposed restructuring. The President responded that these matters would go through the Dean to the Provost.

A majority of the Senate voted for a paper ballot, and the Registrar distributed and collected the ballots after instructing Senate members on the manner in which they should be completed. Following the count of ballots cast, the President announced that the Resolution had been adopted, with 16 in favor, 4 opposed, and 1 abstention.

President Trachtenberg then thanked the Senate for its attention to this interesting matter, and he added he thought the might have been the best and most invigorating discussion of any substantive issue he had had with the Senate in his fourteen years at the University. He said he thought the meeting was very constructive, very helpful, and very thoughtful, and he was most appreciative. The Senate then turned to consideration of the next item on the agenda. (The Resolution is attached.)

UPDATE ON THE COMPLIANCE LINE AND PROCEDURES

Professor Griffith observed that, due to e-mail system problems, some faculty had not been able to access the electronic copy of the compliance line report in advance of the meeting, and he asked for unanimous consent for a two minute recess so that faculty could read it. Following the two minute recess, Professor Griffith asked what the source of the document before the Senate was, and what the procedure would be with regard to an amendment to the document to be put forward by Professor Wilmarth. The President responded that Professor David Robinson would brief the Senate on the first point, and that Professor Wilmarth would be asking for a discussion of his suggested amendment.

Professor David Robinson of the Law School then introduced himself, saying that he and Professor Park from the Law School, and Professor Castleberry from the Graduate School of Education and Human Development had met last spring and over the summer with Vice President Blumer and Mr. Charles Barber of the General Counsel's Office. The group had discussed three major Senate concerns, (1) the lack of consultation with the faculty in the development of the compliance Line and Procedures, (2) the vague scope of the program, as it was announced that it would provide oversight and management of all risks that the University faced (although it would not substitute for existing programs), and (3) its encouragement of anonymous complaints, with resulting unfairness to any person accused. The draft guidelines before the Senate, he added, are the product of the group's discussions, and Professor Robinson said he understood that Vice President Katz had generally approved it.

Among the provisions of the guideline draft, it has now been made clear that the Compliance Line is a referral line, and not a general oversight and management office throughout the University. Its purpose is to direct calls to the appropriate University Office, and it is not to serve to supplant, duplicate, or even supplement established University procedures. The scope of the Compliance Procedures has also been clarified, so that rather than as in the initial statement, where the Compliance Line would apply to virtually everything, even ethical concerns, its scope is now limited to violations of statutes, regulations, or University-wide policies, and threats to health and safety. In addition, a Compliance Committee, which will monitor the Compliance process, will include representatives of the Faculty Senate.

The Compliance Office also will not maintain records with any names of persons identified in calls, as the Compliance Line will serve as a routing system, rather than a new office of investigations. Concern about anonymous calls has also been addressed, although it was the feeling of the group that they could not be totally disregarded, for example, in the case of a bomb threat. A procedure to discourage anonymous calls was settled upon, where the name of the caller is requested, and if it is not given, then the caller is advised that this might limit the ability of the University to respond to the complaint. Finally, such person would be told that procedures are in place to protect against retaliation directed at complainants. Professor Robinson concluded by saying that the group did not feel that if they were writing on a clean slate that they would necessarily have gone down the path of the draft guidelines, but that the group feels they are acceptable and address concerns raised by faculty, providing they are, in fact, followed.

On behalf of the Senate, Professor Wilmarth thanked Professors Michael Castleberry, Robert Park, and David Robinson, who worked on the draft guidelines, saying that they had transformed a policy that he viewed as truly threatening to one which would be more acceptable to the faculty. He also commended University General Counsel's office for its work. The draft guidelines, he said, have made the Compliance Line a conduit for people with complaints who do not know where to take them. It also provides a referral, as noted by Professor Robinson, for a University agency or official to commence an investigation or other proceedings under established university policies which the faculty has contributed to. Another good development, he said, was the vigilant effort put into ensuring that tracking numbers and reports generated from allegations will not carry personally identifying information.

Professor Wilmarth then briefed the Senate on the content of his proposed amendment to the draft guidelines. He said that because the draft was produced by the General Counsel's Office, it was not the Senate's document; however, he thought that the Senate could certainly express its support for a requested amendment. In essence, the purpose of the amendment is to ensure that allegations of misconduct that are not substantiated do not result in adverse actions against people. This is an essential due process concern, he added. In response to a question from President Trachtenberg, Professor Wilmarth agreed that someone denied an honor because of an unsubstantiated allegation would have the burden of proving that the allegation was the basis for the University's denial of such honor. Professor Wilmarth also said that he agreed with Professor Robinson in that the University could refuse to hear allegations, but that it had to be very careful about what it does with those allegations once it gets them.

Professor Friedenthal spoke in support of the amendment. The President excused himself from the meeting due to a prior professional obligation, and Vice President Lehman assumed the Chair. Professor Glascock also spoke in support of the amendment. Just prior to the vote, Professor Wilmarth said that what he was really asking for was a sense of the Senate on this point, and that the amendment should be forwarded to the General Counsel's Office, and if that Office has a problem with the amendment, that it get back to the Senate on this point. Professor Griffith seconded the motion, the question was called, and the Senate expressed its unanimous approval for Professor Wilmarth's suggested amendment.

Professor Glascock reiterated his concern about anonymous complaints, and the encouragement of them. Someone could call ten times anonymously, he said, disguising their voice, and the result could well be ten allegations against someone from the same source. A simple way to eliminate this possibility, he said, was to have the Compliance Line refuse to take anonymous calls, but to offer a telephone number where complainants can call and make a complaint with an ironclad guarantee of anonymity. Professor David Robinson then observed that the Title IX guidance issued by the U.S. Department of Education does not address receipt of anonymous calls, only requests by complainants that calls should be kept confidential. Schools should discuss confidentiality standards and concerns with complainants at the very outset. A confidentiality request may limit the school's ability to respond, and complainants should be told this. Complainants should also be informed that retaliation against complainants is prohibited. Discussion followed by Professors Simon, Kennedy, Wilmarth, Griffith, Park, and Glascock. Professor Friedenthal said he agreed that he thought the draft guidelines implied that complainants would be protected from retaliation, but that perhaps it should be made explicit that a complainant who does give his or her name should be assured that, to the extent possible, confidentiality as to their identity shall be retained.

Professor Wirtz said that he hoped that simply because the Senate was offering a suggested amendment to the draft guidelines, that the General Counsel's Office would not take that as an indication that the draft guidelines are acceptable to the Senate. This is simply a comment on the draft, he said, and the Senate should be consulted before any final and binding document is produced. Vice President Lehman said that the policy draft in its final form would be brought back before the Senate, and that this would be a matter of record which would be transmitted to the Counsel's Office.

It was then agreed that the Senate should review the draft guidelines, and submit comments and or questions to the Executive Committee prior to their meeting of September 27. (The draft guidelines and Professor Wilmarth's suggested amendment are attached.)

RESPONSE OF THE ADMINISTRATION TO SENATE RESOLUTIONS

Professor Griffith said he had no questions about the current responses but that he wondered what had transpired concerning the Sexual Harassment Policy since the Senate's last Special Meeting on the issue, as last year's administrative response had said that it was "in process." Vice President Lehman confirmed that the Interim Policy was still in place, and that he had held a roundtable discussion which identified two or three issues of concern. These were then given to the General Counsel's Office, a draft was produced, and responses were obtained from some, but not all recipients. Vice President Lehman agreed to follow up on these responses and get this process moving again. Professor Wilmarth said he assumed that any final Policy proposal would come back to the Senate for its consideration, and Vice President Lehman confirmed this was the case. Professor Griffith concluded the discussion by saying that as an attendee at the roundtable, it was his impression that there was a substantial agreement that with a fairly small number of modifications, a document could be produced on which all could agree, and this would be a very considerable improvement over existing policy.

GENERAL BUSINESS

I. NOMINATION FOR ELECTION TO FACULTY SENATE STANDING COMMITTEES

Professor Robinson moved the following nominations for appointment to the following Senate Standing Committees: Admissions Policy, Student Financial Aid, and Enrollment Management: Jon Calvert, Tarek El-Ghazawi, John Geranios, and Geralyn M. Schulz; Athletics and Recreation: Syd Hodgson; Libraries: Jason Rimmer; University and Urban Affairs: Michael Weeldryer. The nominations were approved.

II. NOMINATION FOR APPOINTMENT BY THE PRESIDENT TO ADMINISTRATIVE COMMITTEES

Professor Robinson moved the following nominations for appointment to the following Administrative Committees: Committee on the Judicial System: Michael S. Castleberry as Chair, and Pat Schwallie-Giddis (for a two year term); University Hearing Board: Margaret A. Skelton; Marvin Center Governing Board: Leslie B. Jacobson; Joint Committee of Faculty and Students: Andrea J. Casey and Matt Chapman. The nominations were approved.

III. NOMINATION FOR ELECTION BY THE FACULTY SENATE TO THE STUDENT GRIEVANCE REVIEW COMMITTEE

Professor Robinson moved the following nominations for election to the Student Grievance Review Committee: Margaret R. Kirkland, Sondra K. Patrick, Joan R. Regnell, and Beverly J. Westerman. The nominations were approved.

IV. TRIBUTES TO RETIRING FACULTY MEMBERS

Tributes to former Faculty Senate members who are retiring were offered, as follows: Professor Simon read a tribute to Mervyn L. Elgart, Professor Emeritus of Dermatology, Professor Robinson read a tribute to Ruth A. Wallace, Professor Emeritus of Sociology; and Professor Wirtz read a tribute to Stephen R. Chitwood, Professor Emeritus of Public Administration. (The Tributes are attached.)

V. REPORT OF THE EXECUTIVE COMMITTEE


Professor Robinson presented the Report of the Executive Committee, which is enclosed.

BRIEF STATEMENTS (AND QUESTIONS)

Vice President Lehman said that information concerning the World Bank and International Monetary Fund meetings and possible demonstrations surrounding them, was being received on a daily basis. The University will keep everyone informed as this situation develops, but it is anticipated that people would be asked to stay away from the campus the weekend of the meetings.

Professor Griffith asked when the faculty could obtain information on the results to date of the Strategic Plan for Academic Excellence and suggested this might be a good topic for the upcoming Faculty Assembly. Vice President Lehman agreed that this would be a good occasion on which to brief everyone about the status of the Strategic Plan.

Upon motion made and seconded, and following Vice President's Lehman's comments welcoming everyone back after the summer break, the meeting was adjourned at 4:55 p.m.

A handwritten signature in cursive script that reads "Dennis L. Geyer".

Dennis L. Geyer
Secretary

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A RESOLUTION ON THE PROPOSED RESTRUCTURING OF UNIVERSITY GOVERNANCE (02/2)

WHEREAS, the President has informed the Executive Committee that he intends to create a new office of Provost. Based on the information provided, the Executive Committee understands that the contemplated position of Provost would divide the responsibilities of the Office of the Vice President for Academic Affairs, assuming control of academic matters with respect to the Law School, the Medical School, and the School of Public Health and Health Services; and

WHEREAS, the President has requested, through the Faculty Senate Executive Committee, faculty response to the administration's proposed changes to the structure of the administration and specifically those positions with responsibility for and oversight over academic units; and

WHEREAS, the Executive Committee has reviewed and discussed with colleagues on the Faculty Senate and in their respective schools the information provided by the President; and

WHEREAS, with respect to those aspects of the proposed restructuring applicable to the academic units the Faculty Senate is persuaded that:

1. A convincing case for the establishment of the position of University Provost with academic control over three of the schools has not been made.
2. The practical removal of three of the schools from the current jurisdiction of the Office of the Vice President for Academic Affairs would be detrimental, dividing the schools of the University academically and strategically.
3. The proposed new administrative structure, by dividing academic oversight between two senior officials, would severely hinder the implementation of the Strategic Plan, supported by the Board of Trustees, the administration and the faculty, whose execution requires full and unified participation of all schools.
4. The appointment of a Provost as described to the Executive Committee would not be preceded by a search and may be of indefinite duration. Appointment to positions of senior academic leadership without a national as well as a local search is inconsistent with University-mandated policy and customary practices of major research universities with respect to senior academic positions; **NOW, THEREFORE**

BE IT RESOLVED BY THE FACULTY SENATE OF THE GEORGE WASHINGTON UNIVERSITY THAT

1. The Faculty Senate, unpersuaded by what it has heard so far, believes that the proposed restructuring is not in the best academic interest of the University and strongly urges the administration to reconsider this proposed plan; and

2. The Faculty Senate requests that the administration identify the concerns it believes need to be addressed; and
3. Further, the Faculty Senate urges that no fundamental changes of academic governance, academic budget authority, or significant personnel changes be made without additional study and active involvement of the faculty. Such study should be conducted with the understanding that, consistent with academic practice, the filling of a new position with major academic responsibilities requires a national and local search; and
4. Consistent with its role, as defined by the Faculty Code and the Faculty Organization Plan, the Faculty Senate is prepared to work with the administration, through a specially appointed committee, in determining avenues for the strengthening of the academic governance structure in order to achieve the University's academic goals as defined in the Strategic Plan for Academic Excellence.

Executive Committee of the Faculty Senate
September 11, 2002

Adopted September 13, 2002

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Draft: August 28, 2002

REGULATORY COMPLIANCE HELP AND REFERRAL LINE

Preamble

The Regulatory Compliance Referral Line (the "Referral Line") is established by The George Washington University to facilitate the proper directing of concerns, including possible violations of federal and local law, as well as health and safety issues, to the appropriate offices within the University. The Referral Line is intended to provide GW personnel with efficient access to University programs for resolving specific concerns and complaints on a timely basis, by routing calls to the established offices best suited to addressing covered issues. Referral Line staff will also perform an important tracking function for calls referred to University offices.

In general, the Referral Line will be staffed by personnel trained to determine the nature of the concerns expressed by the caller. Staff will then direct the matter to the most appropriate University office for responding to that type of issue. Staff will subsequently follow up with that office to determine whether that office accepted responsibility to process the call. So long as the Referral Line remains in use, the procedures governing its operation will be no more intrusive than those outlined below.

Objectives of the Referral Line

The objectives of the Referral Line are as follows:

- to provide an intake clearinghouse for concerns and complaints governed by this program;
- to refer calls to the University offices established throughout the institution for handling specific allegations;
- to tally the general categories of concerns, complaints and the referrals made in order provide data for the evaluation of existing University policies, as well as the need for additional training of University personnel;
- to direct callers to a central location for obtaining information on GW policies;
- to provide guidance to callers on where to go for assistance in determining how to comply with University policies and procedures, as well as federal and local law.

Operation of the Referral Line

The Referral Line will be operated by University personnel in the Compliance Office or by an outside agency retained for that purpose. Persons

answering calls will be trained and carefully scripted. The responsibility of such persons is to ascertain the nature of the concern expressed by the caller and to prepare a short summary for referral to the appropriate University office for handling. If the concern is not handled by a University office or is not otherwise covered by this program, the caller will be so informed. In such case, the caller may be directed to the most appropriate person to provide advice on that issue, e.g. a faculty advisor, dean, supervisor or University police. For calls referred to a University office, Referral Line staff will assign a tracking number for follow up that does not personally identify persons named in the call. Referral Line staff will use that tracking number to periodically follow up with the office to which a call has been referred to determine whether the office accepted responsibility to process the call.

Types of Concerns Addressed

The Referral Line is intended to address the following concerns:

1. allegations of a violation of a statute or regulation of the federal or local government,
2. allegations of a violation of requirements of outside agencies with jurisdiction over GW activities,
3. allegations of violations of University-wide policies, and
4. allegations involving threats to health and safety.

Attached is a list of the allegations covered, current as June, 2002. These areas will be adjusted to comply with changes in areas 1-3, above.

The Referral Line is not intended to cover general allegations of misconduct not covered by the above listed concerns or other University policies and procedures. Further, the Referral Line will not supplant, duplicate or supplement established University investigation procedures, nor circumvent the rights of parties – including those making allegations and those identified in the allegations – to participate in established procedures for addressing the allegations.

Anonymous Calls

The Referral Line staff will request callers to identify themselves, but will accept anonymous calls if the caller declines to provide a name. Allegations of misconduct will be referred to the appropriate office for processing, notwithstanding the anonymity of the caller. A caller requesting anonymity, however, will be advised that the request for anonymity may limit the University's ability to respond and thus callers will be encouraged to identify themselves. If a caller is afraid of possible retaliation, the caller will be assured that University policy prohibits acts of retaliation based on allegations of misconduct made in

good faith. The University will take steps to prevent retaliation in such circumstances and will take strong responsive actions if retaliation occurs.

Oversight

The operation of the Referral Line will be reviewed by the Compliance Committee established by the University. The Compliance Committee shall include representatives of the Faculty Senate. Periodic reports on the operation of the Referral Line will be reviewed by the Compliance Committee, with copies made available to the Faculty Senate. These reports will be general summaries of the operation and will not include any references to persons, or personally identifying information, relating to either the caller or persons named in the call. The Compliance Committee may recommend changes to the operation of the Referral Line in order to more effectively accomplish the purposes as set forth above.

Compliance Office Tracking

The Compliance Office will track the number of calls made, the nature of the concerns alleged, the University offices to which the calls have been referred, and the resolution of the calls. The Compliance Office will produce periodic reports summarizing such information. The Compliance Office will track calls using the tracking number and will not maintain records identifying persons named in the calls.

	Allegation Class	Allegation
1	EEO/EEA/Diversity Issues	Discrimination
2	Environmental-Legal and Regulatory	Violations of EPA regulations and Hazardous material releases
3	Financial Operations & Control Issues	Falsification of Documents
4	Financial Operations & Control Issues	Fraud
5	Financial Operations & Control Issues	loss of company assets
6	Financial Operations & Control Issues	Problems with Student Billings
7	General Issues	Request for Guidance/Information
8	General non-compliance (other)	Not comply with Laws and Regulations
9	Health and Safety-Legal and Regulatory	Violation of OSHA, HFPFA, BOCA, NRC, and FDA regulations
10	Human Resource Issues	Sexual Harassment
11	Human Resource Issues	Workplace Conduct
12	Information Security Issues	Confidential GW Information Being Disclosed
13	Information Security Issues	Violation of System Security
14	Information Security Issues	Critical information system being hacked or compromised (Oracle, Banner, e-mail)
15	NCAA Rules	Not Following NCAA Rules
16	Research-Legal and Regulatory Issues	Animal Research Violations of NIH, USDA, AAALAC Regulations
17	Research-Legal and Regulatory Issues	Billing and Reporting
18	Research-Legal and Regulatory Issues	Conflict of Interest violation of DHHS, FDA, NSF or other Federal Agency Regulations
19	Research-Legal and Regulatory Issues	Human Subject Research Violations of DHHS/OHRP, FDA and other Federal Regulations pertaining to human subject research
20	Research-Legal and Regulatory Issues	Improper accounting and costing
21	Research-Legal and Regulatory Issues	Laboratory Safety Violations
22	Research-Legal and Regulatory Issues	Misconduct in Research Violation of DHHS, FDA, NSF or other Federal Agency regulations
23	Research-Legal and Regulatory Issues	Radiation Safety Violation of NRC or DCRA Regulations
24	Security Concerns	Alcohol and Drug Use
25	Security Concerns	Threats of Immediate Violence and Physical Violence
26	Student Financial Aid Issues	Not Following Federal (DOE/DHHS) Rules
27	Tax Issues	Not Following IRS rules
28	Workers Compensations Concerns	Violation of Worker's Compensation Laws

Arthur E. Wilmarth, Jr.
Draft of 9/13/02

Proposed Amendment to Guidelines for the Compliance Line

Add the following sentence at the end of the section entitled "Types of Concerns Addressed," on page 2 of the guidelines:

"Unless an allegation received through the Compliance Line is substantiated during subsequent investigative and/or hearing procedures that are conducted in accordance with applicable University policies and legal requirements, the allegation itself will not be used by the University as a basis for imposing any sanction against, or denying any benefit, privilege or honor to, any faculty member, staff member or student who is the subject of the allegation."

A TRIBUTE TO MERVYN ELGART
PROFESSOR OF DERMATOLOGY, MEDICINE AND PEDIATRICS

Professor Meryvn Elgart is retiring from full-time activity and being awarded the position of Professor Emeritus of Dermatology. Professor Elgart has been affiliated with The George Washington University for 38 years. A summa cum laude graduate of Brooklyn College and Cornell University Medical School, Dr. Elgart did an internship in internal medicine at Buffalo General Hospital and completed residency training in Dermatology at Walter Reed Army Medical Center in 1963.

In 1964, Dr. Elgart came to GW as an Assistant Professor of Dermatology. He was promoted to Professor of Dermatology and Professor of Medicine in 1974 and in 1975 became chairman of the Department of Dermatology which he ran until 1997 when he left the full-time faculty to go into private practice.

Besides his administrative activities, Professor Elgart was active as a clinician, teacher and investigator. His clinical acumen and knowledge of clinical dermatology is widely known throughout the metropolitan area and he is frequently consulted for the most difficult dermatologic problems.

His reputation as a teacher was unparalleled in the institution and he was elected to honorary membership in Alpha Omega Alpha and awarded the Golden Apple award by the medical students.

He published more than 80 papers and was well known for his work in dermatologic manifestations of sarcoidosis and fungal infections. He was a visiting Professor at numerous institutions throughout the United States.

Professor Elgart was a member of the University Senate for 10 years and member of the Executive committee for 3 years. He chaired the committee on administrative matters as they affect the faculty as well as serving on a number of other University committees.

Professor Elgart is reducing, but not eliminating his contributions to the University. He will continue to participate in the educational activities of the medical center teaching students and residents. We wish him many more years of activity.

Gary Simon
Professor of Medicine

A TRIBUTE TO RUTH ANN WALLACE
PROFESSOR OF SOCIOLOGY

A graduate of Immaculate Heart College, California State University, Los Angeles, and the University of California, Berkeley, Ruth Ann Wallace joined the Department of Sociology faculty in 1971.

Professor Wallace is the author of seven books on topics of sociological theory, gender, and the role of women and laity in the Catholic church. Through these publications as well as through her many articles, essays, and presentations she has examined varied and timely topics making a significant contribution to her field.

As a member of numerous major professional organizations she has held positions of leadership in the American Sociological Association, Association for the Sociology of Religion, and the Society for the Scientific Study of Religion, among others.

At George Washington University she has been recognized as a talented, effective, and dedicated teacher. As a member of the faculty she achieved a commendable record of service to her Department, Columbian College, and the University, serving on a vast variety of committees, including: search committees, personnel committees, and program review committees.

Professor Wallace was a member of the Faculty Senate for eight years, from 1975-1983. She co-chaired the Joint Committee of Faculty and Students and chaired the Committee on University and Urban Affairs. The seriousness of purpose, dedication, effectiveness, and energy which have marked her career as scholar and teacher also characterized her work on the Faculty Senate.

Appropriately, Professor Wallace is held in high esteem by her colleagues and friends throughout the University. On their behalf, the Faculty Senate extends sincere thanks and best wishes on the many new endeavors that she will now pursue.

Lilien F. Robinson
Professor of Art History

(Read into the record, Faculty Senate Meeting, September 13, 2002)

A TRIBUTE TO RUTH ANN WALLACE PROFESSOR OF SOCIOLOGY

A graduate of Immaculate Heart College, University of Notre Dame, and the University of California, Berkeley, Ruth Ann Wallace joined the Department of Sociology faculty in 1970.

Professor Wallace is the author of seven books on topics of sociological theory, gender, and the role of women and laity in the Catholic church. Through these publications as well as through her many articles, essays, and presentations she has examined varied and timely topics making a significant contribution to her field.

As a member of numerous major professional organizations she has held positions of leadership in the American Sociological Association, Association for the Sociology of Religion, and the Society for the Scientific Study of Religion, among others.

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**Lilien F. Robinson
Professor of Art History**

(Read into the record, Faculty Senate Meeting, September 13, 2002)

**A Tribute to Stephen R. Chitwood
Professor of Public Administration**

Professor Stephen R. Chitwood retired in May 2002 after a long and rewarding career during which he taught virtually every course in the Master of Public Administration degree offered in the School of Business and Public Management. After coming to GWU with a BA cum laude from the University of Colorado and both an MPA and Ph.D. from the University of Southern California, while a faculty member here, Professor Chitwood earned his Juris Doctor with honors from the George Washington Law School.

In 1978 Professor Chitwood helped found the Parent Education Advocacy Training Center (PEATC) in Alexandria, Virginia. PEATC is an organization whose mission is to assist parents in ensuring that their children with disabilities receive the free, appropriate public education to which those children are entitled under federal, state and local law. From 1978 to 1991 Professor Chitwood applied his legal and evaluation research skills to further the goals of PEATC. He also wrote a handbook which became the key resource for parents of children with disabilities.

Within the Department of Public Administration, Professor Chitwood served as Department Chair. He also taught the introductory course to the MPA degree for many years, as well as many doctoral seminars. He served as the advocate for dozens of doctoral students over his 34 years in the department.

In 1992 Professor Chitwood founded and became the director of the GWU Center of Law Practice Strategy and Management. During the decade that he directed the Center he provided training to most state Attorney General offices, many parts of the U. S. Department of Justice, and most General Counsels within the federal agencies. He also worked closely with private law firms in the both the DC and New York areas, providing them with management advice. In addition to legal consulting, Professor Chitwood also provided management consulting advice to the U. S. Departments of State, Commerce, Labor and Defense.

Professor Chitwood served on numerous committees within his department and SBPM, and he served on the Faculty Senate from 1978 to 1981. During that time he served as Faculty Co-Chair of the Joint Committee of Faculty and Students, and he served on the Administrative Matters as They Affect the Faculty Committee during the 1975-76 academic year.

Professor Chitwood's great standing and stature within the Department, School, and University will be dearly missed by his numerous friends and colleagues, who wish him great success in this next major passage in his life.

**Kathryn Newcomer
Professor and Department Chair
Department of Public Administration**

(read into the record at the September 13, 2002 Faculty Senate Meeting)

REPORT OF THE EXECUTIVE COMMITTEE
September 13, 2002
Professor Lilien F. Robinson, Chair

ANNUAL REPORTS -2001-02 SESSION

Current Faculty Senate members who chaired Senate Standing Committees for the 2001-02 Session who have not yet submitted Annual Reports of their respective Committees are asked to do so for distribution with the minutes of today's meeting.

FACULTY ASSEMBLY MEETING

The Faculty Assembly will meet on Thursday, October 10, 2002,** from 3:00-5:00 p.m. in the Marvin Center, Room 405, with a reception following in Room 404.

As you know, one of our obligations as faculty members is participation in the Faculty Assembly. It is especially important that Faculty Senate members attend. I am hopeful that you will also urge the colleagues in your schools to attend. This is also the event at which new faculty members are introduced.

PATENT POLICY

Copies of the University Policy on Patents and Scholarly Works have been distributed to you today. There have been administrative changes to the document. The Executive Committee does not view these organizational changes as substantive and thus supports them. We would appreciate your review of the changes. Should you have any comments or concerns regarding these, please contact the Executive Committee prior to the next Executive Committee meeting on September 27. Please note that the review by the Advisory Council on Research, required by section 14 of the policy, has taken place. The Executive Committee plans to address the matter of the review required by section 15, which calls for joint reviews with the Faculty Senate.

OTHER SENATE MATTERS

Appointments:

1. Professor Mark S. Klock has agreed to serve on the Dispute Resolution Committee, replacing Professor Cynthia J. McSwain.

****PLEASE NOTE:** The Faculty Assembly has been rescheduled for November 11th, from 3:00 to 5:00 p.m., in the Marvin Center Continental Ballroom. A reception will follow the meeting.

2. As required, two members of the Senate Research Committee have been designated to serve on the Advisory Council. They are Professors William Briscoe, Chair of the Senate Research Committee, and Mona Zaghloul. Two members of the Advisory Council, Professors Edward Della Torre and Nicholas Vonortas, have been appointed to serve on the Senate Research Committee.
3. At the request of Vice President Lehman, who is forming task forces on the Writing Development Program and Doctoral Program, the Executive Committee has appointed Professor Paul Duff to the first and Professor Debra Sheldon to the second.

Committee Assignments:

1. The Writing Development Program proposal has been sent to the Educational policy Committee for its review and recommendations.
2. A proposal for the establishment of a School of Public Policy in Columbian College has been sent to the Committees on Appointment, Salary, and Promotion Policies, Educational Policy, and Fiscal Planning and Budgeting.
3. The Joint Committee of Faculty and Students has been asked to review a change to the Code of Academic Integrity requested by the administration.

ANNOUNCEMENTS

An updated membership list of Senate Standing Committees will be distributed with the minutes of the September meeting. This list will reflect any changes in membership since May, 2002.

The next meeting of the Executive Committee is scheduled for Friday, September 27. Any items of business for the October 11 Senate agenda should be received by the Executive Committee before September 27.


The Faculty Senate will meet on Friday, September 13, 2002, at 2:10 p.m. in the Alumni House, First Floor, 1925 F Street, N.W.

AGENDA

1. Call to order
2. IN MEMORIAM:

John Kaye, Professor Emeritus of Engineering and Applied Science (by Professor Robert J. Harrington)
3. Approval of the minutes of the regular meeting of May 10, 2002, as distributed
4. Introduction of Resolutions
5. Report on the GW Law School by Dean Michael K. Young
6. Update on the Compliance Line and Procedures by Professor David Robinson
7. Response of Administration to Senate Resolutions-2001-02 Session (Administration's Response attached)
8. General Business:
 - (a) Nomination for election to Faculty Senate Standing Committees:
Admissions Policy, Student Financial Aid, and Enrollment Management: Jon Calvert, Tarek El-Ghazawi, John Geranios, and GERALYN M. Schulz;
Athletics and Recreation: Syd Hodgson; Libraries: Jason Rimmer;
University and Urban Affairs: Michael Weeldryer
 - (b) Nomination for appointment by the President to the following Administrative Committees: Committee on the Judicial System: Pat Schwallie-Giddis;
University Hearing Board: Margaret A. Skelton; Marvin Center Governing Board: Leslie B. Jacobson; Joint Committee of Faculty and Students: Andrea J. Casey and Matt Chapman
 - (c) Nomination for election by the Faculty Senate to the Student Grievance Review Committee: Margaret R. Kirkland, Sondra K. Patrick, Joan R. Regnell, Beverly J. Westerman
 - (d) Report of the Executive Committee: Professor Lilien F. Robinson, Chair
 - (e) Tributes to retiring faculty members
9. Brief Statements (and Questions)
10. Adjournment

Attachment


Dennis L. Geyer
Secretary



THE GEORGE
WASHINGTON
UNIVERSITY
WASHINGTON DC

THE PRESIDENT

TO: Lilien F. Robinson
FROM: Stephen J. Trachtenberg
SUBJECT: 2001-02 Faculty Senate Resolutions
DATE: August 29, 2002

Lilien: I am in receipt of your May 3, 2002 memorandum providing a tabulation of resolutions acted upon by the Faculty Senate during its 2001-02 session. As you requested, I am pleased to attach the response of the Administration to these resolutions for inclusion in the Faculty Senate Annual Report.

SJT/h



FACULTY SENATE

MEMORANDUM

May 3, 2002

TO: Stephen Joel Trachtenberg, President

FROM: Lilien F. Robinson, Chair *Lilien F. Robinson*
Executive Committee of the Faculty Senate

On behalf of the Executive Committee, I am enclosing a tabulation of resolutions acted upon by the Faculty Senate during its 2001-02 Session.

We would appreciate receiving the response of the Administration to these resolutions for inclusion in the Annual Report of the Executive Committee of the Faculty Senate for the 2001-02 Session.

Thank you.

Enclosures

RESOLUTION 2001-02 SESSION

Resolution Number	Date of Meeting	Title of Resolution	Action	Response of Administration
01/1	9/14/01	Resolution to Amend the Code of Academic Integrity	Tabled as amended see Resolution 01/6 9/14/01	No action required
01/2	9/14/01	Resolution on the Faculty Statement Concerning Students with Disabilities	Adopted as amended 9/14/01	Okay
01/3	12/14/01	A Resolution on Retirement Benefits	Adopted as amended 12/14/01	Okay for a 10 year trial basis
01/4	12/14/01	A Resolution on the Faculty Statement Concerning Strategic Planning for Academic Excellence	Adopted as amended 12/14/01	The March 1 deadline was adopted; Senate Executive Committee Chair joined the Academic Excellence Committee; all else had already been done
01/5	2/8/02	A Resolution to Discontinue the Senate Standing Committee on Administrative Matters	Adopted 2/8/02	Okay
01/6	3/8/02	A Resolution to Amend the Code of Academic Integrity	Adopted 3/8/02	Okay - Approved by Board of Trustees May 2002
01/7	3/8/02	A Resolution to Amend the <u>Faculty Code</u> of the George Washington University to Provide a Requested Statement of Reasons to Long-Term Contract Faculty upon Non-Renewal of their Appointments	Amended and Re-committed to Committee 3/8/02	No action required

RESOLUTION 2001-02 SESSION

Resolution Number	Date of Meeting	Title of Resolution	Action	Response of Administration
01/8	3/8/02	Resolution to Establish a GW Film Festival	Adopted 3/8/02	Okay subject to <u>external</u> funding
01/9	3/8/02	A Resolution Regarding the Administration's Establishment of a "Compliance Line"	Adopted 3/8/02	See Resolution No. 01-13
01/10	4/12/02	A Resolution to Develop a Revised Student Evaluation of Courses	Adopted, as amended 4/12/02	We accede
01/11	4/12/02	A Resolution to Bring the School of Public Health and Health Services into Compliance with the <u>Faculty Code</u> with Respect to Tenured and Tenure-Accruing Appointments for Regular, Active-Status Faculty	Adopted 4/12/02	Administration accedes in principle and will endeavor to achieve the outcome requested but believes that a 10 year horizon is more plausible
01/12	4/12/02	A Resolution to Amend the <u>Faculty Code</u> of The George Washington University with Respect to the College of Professional Studies	Adopted, as amended 4/12/02	Okay - Approved by Board of Trustees May 2002
01/13	4/12/02	A Resolution Requesting Administrative Action on the Implementation of the Faculty Senate's Resolution on the Establishment of a "Compliance Line"	Adopted 4/12/02	Faculty/Administration drafted document, completed and submitted to the Executive Committee